

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFREDO BATISTA and ANNA SANCHEZ,

Plaintiffs,

-v-

THE CITY OF NEW YORK; STATE OF FLORIDA:
DEPARTMENT OF CORRECTIONS; STATE OF
FLORIDA: TAMPA EAST DIVISION and PAROLE,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Case No. 05-CV-8444 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

On July 19, 2007, this Court ordered Plaintiff's counsel to show cause as to why she should not be ordered to pay the reasonable expenses of Florida Defendant's counsel related to the oral argument scheduled for July 19, 2007. (Dkt. No. 29.) Plaintiff's counsel neglected to attend the argument, but counsel for Florida Defendants flew to New York and was present (as was Corporation Counsel). On August 8, 2007, Plaintiff's counsel, Joy S. Bunch, responded to this Court's order to show cause with an Affirmation in Opposition. (Dkt. No. 31.)

In her Affirmation in Opposition, Ms. Bunch concedes that she did not check the docket sheet of the case in a timely manner.¹ (Pl's Aff. Opp. ¶ 4.) However, she further argues that she could not have received electronic notice of the oral argument as "there was no email notification attached to the June 15, 2007 Order." (Pl's Aff. Opp. ¶ 5.) The Court is perplexed by this explanation. The Court issued an order on June 20, 2007 – not June 15, 2007 – scheduling oral argument in the above captioned case. This order was scanned as an ECF document (Dkt. No.


¹"It remains the duty of the attorney for a party to review regularly the docket sheet of the case." S.D.N.Y. ECF Procedure #9.

28), triggering email notifications to both Plaintiff's and Defendants' counsel. Ms. Bunch confirmed for the Court that her email was listed correctly on the docket sheet. Defendant's counsel received notice of the order via email and traveled all the way from Florida to New York for oral argument. The Court is unaware of any reason why Plaintiff's counsel should not have received similar notice and acted accordingly.

While disappointed by Plaintiff's counsel's failure to appear at oral argument and even more disappointed by counsel's explanation for her absence, the Court notes that Plaintiff's counsel has not exhibited a pattern of irresponsible conduct. Accordingly, the Court will let Ms. Bunch off with a warning. Ms. Bunch is advised, however, to show greater regard in the future to both the Court and opposing counsel by paying closer attention to both the docket and the ECF notices on her cases.

SO ORDERED.

Dated: October 4, 2007
New York, New York


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

Service List:

Joy S. Bunch, Esq.
Law Offices of Brogdon & Bunch, LLP
250 Fulton Avenue, Suite M200
Hempstead, NY 11691
(516)-292-3800
Fax: (516)-292-3858
Counsel for Plaintiffs

Michael A. Cardozo, Esq.
Corporation Counsel of the City of New York
Hillary A. Frommer, Esq.
Assistant Corporation Counsel
100 Church Street
New York, NY 10007
(212) 788-0823
Fax: (212) 788-9776
Counsel for Defendant City of New York

Bill McCollum, Esq.
Attorney General of the State of Florida
Gerald D. Siebens, Esq.
Assistant Attorney General
501 East Kennedy Blvd.
Tampa, FL 34602
(813)-233-2880
Fax: (813)-233-2886
*Counsel for Defendants State of Florida: Department of
Corrections, and State of Florida: Tampa East Division and Parole*